



1636

Atty. Docket No.: 18433/2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gruber, et al.
Serial No.: 09/845,064
Filed: April 27, 2001
Entitled: CLEAN SYNTHETIC VECTORS
PLASMIDS, TRANSGENIC PLANTS
AND PLANT PARTS CONTAINING
THEM, AND METHODS FOR
OBTAINING THEM

Examiner: Qian, C.X.

Group Art Unit: 1636

Conf. No.: 1669

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Mark J. Fitzgerald

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**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL LETTER

Enclosed for filing the above-identified patent application, please find the following documents:

1. Amendment and Reply; and
2. Return postcard.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference 18433/2002. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: October 25, 2005

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AMENDMENT AND REPLY

Sir:

This Amendment is being filed in response to the Notice of Non-Compliant Amendment mailed from the U.S. Patent and Trademark Office on September 26, 2005 in the above-identified application. Reconsideration and further examination are requested.

The notice states that the status of claims 1-16, 25-53 and 55 are not clear because these claims were previously listed as canceled but in the previous response they were listed as withdrawn. The notice further states that the above claims should be listed if they are withdrawn and not canceled. Finally, the notice states that two sets of claims 1-53 were submitted in the previous response.

Applicant herein provides listing of the pending claims 17-24, 56 and 57. As stated in the Listing of the Claims, claims 1-16, 25-53 and 55 are canceled, and therefore are not listed. For the sake of clarity, the status identifiers for the claims listed in the Listing of the Claims are presented as if the previous non-responsive amendment were not entered. The Listing of the